

Complaint, which is identical to Plaintiff's Second Amended Complaint except that Plaintiff incorporates by reference the names of the Officers named in his letter and the letter from the City in place of the individual defendants named in the caption. The Court recognizes that it is the City's view that the incident could have occurred only on November 14, 2020, and that the officers named in the letter of September 27, 2024, were incorrectly identified. *See* Dkt. Nos. 122, 125. But Plaintiff is the master of his complaint and, if he believes that the incident occurred on November 15, 2020, and that the officers identified in the September 27, 2024, letter were the ones responsible for the alleged assault, it is his prerogative to name them as Defendants. The remedy of such persons, if they are incorrectly named, lies elsewhere than in a letter from the City correcting the September 27, 2024, letter.

Therefore, Plaintiff's Third Amended Complaint brings claims against the following Defendants:

- City of New York
- Captain Courtney Rogers, Shield No. 506
- Correction Officer Christopher Lewis, Shield No. 5517
- Correction Officer Rudolph Murray, Shield No. 4366
- Correction Officer Derrick Stevens, Shield No. 5292
- Correction Officer Christian Rosario
- Correction Officer Joseph Sheehan

On March 26, 2025, after Plaintiff mailed his Third Amended Complaint, the Court granted Plaintiff an extension of time to file such complaint and extended later deadlines and conferences accordingly. Dkt. No. 129. Because the Third Amended Complaint has been filed, such extensions are no longer necessary. The Court therefore sets the following deadlines:

- 1) By May 5, 2025, the City shall either indicate that it is prepared to accept service on behalf of the individual defendants or shall provide Plaintiff with service addresses for the individual defendants. Because Plaintiff has paid the fee in this case and is not proceeding in forma pauperis, he is not entitled under 28 U.S.C. § 1915(d) to the assistance of the United States Marshal or court officers in making service. Accordingly, it will be Plaintiff's responsibility to serve any individual defendants for whom the City is not prepared to accept service.
- 2) Plaintiff will be required to complete service of all individual defendants by August 4, 2025 (the period of time that is 90 days after the last date on which Plaintiff will be given service addresses by the City for those individual defendants for whom the City will not accept service).

The status conference currently set for June 4, 2025, at 10:00 a.m. will remain as scheduled. Parties are directed to dial into the Court's new teleconference number at 646-453-4442, use conference ID# 358639322, and follow the necessary prompts.

SO ORDERED.

Dated: April 2, 2025
New York, New York



LEWIS J. LIMAN
United States District Judge